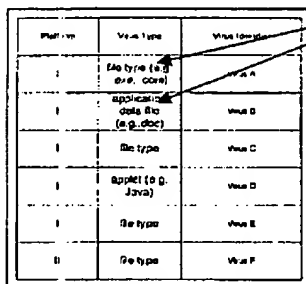


REMARKS

The Examiner has rejected Claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Patent No. 5,960,170). Applicant respectfully disagrees with such rejection.

In particular, the Examiner relies on Fig. 4C-4D; col. 11, line 51 – col. 13, line 23; and col. 19, line 39 – col. 20, line 6 of Chen to make a prior art showing of applicant's claimed "identifying a process for accessing files and selecting virus detection actions based at least in part on the identified process..." (see all of the independent claims).

Applicant has carefully reviewed the foregoing excerpts along with the remaining Chen reference. During the course of such careful review, applicant notes that there is simply no identification of an application program-related "process for accessing files and selecting virus detection actions based at least in part on the identified process." In sharp contrast, Chen merely suggests selecting virus detection actions *based on file types*. See Figure 4C from Chen below, for example.



File type	Virus type	Virus identifier
1	File type (e.g. exe, com)	Virus A
1	Application data file (e.g. doc)	Virus B
1	Doc type	Virus C
1	Applet (e.g. Java)	Virus D
1	File type	Virus E
1	File type	Virus F

Fig. 4C

Further, this assertion is further corroborated by Chen's specific examples below:

"if the scanning scope is indicated by the request for virus scanning, scan according to the request";

"if the scanning scope is not indicated by the request, determine whether the client includes writable media";

"if client does not include writable media, then do not perform virus scan";

"if a related scan detected Virus X, then scan client for Virus X";

"if the client includes a hard disk, then scan according to the conditions specific to the hard disk";

"if .exe files are present, then perform file virus signature scan",

"if .com files are present, then perform file virus signature scan",

"if application data files are present, then scan for macro viruses",

"if the client is a postal node, then scan all unread messages for attachments",

"if the client has received electronic mail, scan uuencoded portions thereof", and

"if client includes a Java applet execution engine, then scan for hostile Java applets";

"if the client includes other writable media, then determine the conditions specific to the writable media and scan the writable media." (col. 23, lines 1-26)

Only applicant teaches and claims the specific selection of virus detection actions based on an application program process for accessing files, in order provide tailored virus detection actions *based on an application program that is accessing a file*.

Still yet, it is further noted that the foregoing excerpts and the remaining Chen reference fail to meet applicant's claimed "identifying a process for accessing files and selecting virus detection actions based at least in part on the identified process if no identifier is assigned thereto," "assigning an identifier to the process if

no identifier is assigned thereto” and “selecting virus detection actions based at least in part on the identifier if existent”(emphasis added – see all independent claims).

There is simply no identification of an application program process for accessing files on the condition that no identifier is assigned thereto, and assigning an identifier to the process if no identifier is assigned thereto, wherein virus detection actions are selected based at least in part on the identifier if existent.

As set forth on page 4 of the originally filed specification, use of the application program process-specific identifier allows virus detection actions to be selected based on the identifier for accelerating the selection process. Thus, the present claimed invention need not identify the application program process, since the identifier (when available) is used to select the virus detection actions. By employing the identifier, the technique of selecting the virus detection actions based on the identification and analysis of the process may be avoided. Further, if the application program process-specific identifier is nonexistent, the claimed invention provides that an identifier is assigned thereto so that the technique of selecting the virus detection actions based on the identification and analysis of the process may be avoided the next time the application program process attempts to access a file.

Still yet, the Examiner relies on col. 4, lines 15-30; col. 12, lines 12-35; and col. 13, lines 1-23 of Chen to make a prior art showing of applicant's claimed “process is associated with an application program, and different identifiers are assigned to different application programs so that the virus detection actions are tailored for the processes associated with the application programs.”

Again, Chen does not disclose, teach or even suggest any sort of application program process-specific identifiers, but rather merely “virus identifiers.” See, for example, Fig. 4C of Chen and the accompanying description.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814

F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim.

*Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Chen reference, in view of the stark deficiencies noted above. A notice of allowance or a specific prior art showing of such claimed features, in combination with the remaining claim elements, is respectfully requested.

It is further noted that the Examiner's application of Chen to applicant's dependent claims is further replete with deficiencies. For example, the Examiner relies on the following excerpt from Chen to make a prior art showing of the subject matter of Claims 2-6 et al.

"Various types of scanning are implemented for efficient iterative analysis. An preferred technique which allows exhaustive signature scanning without requiring a comprehensive download of the signature data is described with reference to FIG. 4D above. Other scanning techniques are also provided for iterative virus detection. For example, techniques for the determination of whether a macro includes a virus can be modularized or divided into a plurality of functions which can be performed by separate virus detection objects. To explain, in the detection of known and unknown viruses in macros, combinations of suspect instructions can be used in the determination of whether a file includes a virus. Specifically, a macro that includes both a first suspect instruction and a second suspect instruction can be determined to include an unknown (or known) virus. Thus, in accordance with the present invention, separate virus detection objects are provided to first detect whether and which of several targeted files include a first suspect instruction, and then to determine whether those targeted files that include the first suspect instruction also include the second suspect instruction to detect a virus. To produce a first virus detection object the IVDM 450a operates with the scanning module 454 and the virus rules module 458 to obtain the routines and data required for the detection of the first suspect instruction. After transmission of the first virus detection object from the virus detection server 400 to the client 300 and execution by the client 300, identification of those files that include the first suspect instruction can be identified in the results transmitted to the virus detection server 400. Alternatively, the file identifiers can remain at the client 300 and the result could indicate which suspect

instruction was identified. In either case, the virus detection server 400 can use the results to produce an additional virus detection object to determine whether the second suspect instruction is present." (see col. 19, line 39 - col. 20, line 6)

With respect to Claim 2 et al., the foregoing Chen excerpt fails to disclose, teach, or even suggest any sort of "identifier [that] is cleared upon the occurrence of a predetermined event" (emphasis added), let alone such functionality applied to an application program-process specific identifier, as claimed.

With respect to Claim 3 et al., the foregoing Chen excerpt fails to disclose, teach, or even suggest any sort of "identifier [that] is reused after being cleared" (emphasis added), let alone such functionality applied to an application program-process specific identifier, as claimed.

With respect to Claim 4 et al., the foregoing Chen excerpt fails to disclose, teach, or even suggest any sort of clearance of the application program-process specific identifier specifically at "the termination of an application."

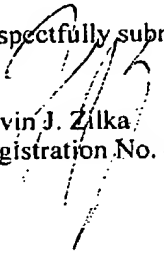
With respect to Claim 5 et al., the foregoing Chen excerpt fails to disclose, teach, or even suggest the specific assignment of the "identifier by the application" (emphasis added), let alone such functionality applied to an application program-process specific identifier, as claimed.

The Examiner continues to by relying on col. 12, lines 12-35; and col. 13, lines 1-23 from Chen to make a prior art showing of applicant's claimed "virus detection actions [that] are selected by determining a category associated with the process based on the identifier, and selecting a set of virus detection actions based on the determined category" (see Claim 19). Again, Chen fails to even suggest any sort of virus detection action selected based on application program-specific identifiers, let alone "determining a category associated with the process based on the [application program-specific] identifier, and selecting a set of virus detection actions based on the determined category."

Again, a notice of allowance or a specific prior art showing of such claimed features, in combination with the remaining claim elements, is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NA11P003/00.069.01).

Respectfully submitted,

  
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